IN RE:

PETITION FOR ZONING VARIANCE

SW/S Waterford Road, 610 ft.

NW of Cranford Road

1398 Waterford Road 15th Election District

5th Councilmanic District Ralph V. Isabell, Sr.

Petitioner

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 95-406-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 1398 Waterford Road in the Hyde Park subdivision of eastern Baltimore County. The Petition is filed by Ralph V. Isabell, Sr., property owner. Variance relief is requested from Sections 400.1 and 400.2 of the Baltimore County Zoning Regulations (BCZR) to allow an accessory structure (detached garage) with a height of 20 ft., in lieu of the maximum permitted 15 ft., and to permit the garage to be located in the 1/2 rear yard closest to the side street, in lieu of the 1/2 rear vard farthest removed. The subject property and relief requested are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Zoning Variance.

This request was originally filed as an Administrative Variance. That process, in some cases, allows variance relief to be granted without the necessity of a public hearing. In this case, a public hearing was requested by this Zoning Commissioner upon review of the Administrative Petition and attached exhibits. Certain issues were raised which necessitated the hearing.

Appearing at the requisite public hearing held for this case was the aforementioned property owner, Ralph V. Isabell, Sr. There were no Protestants or interested persons present.

Mr. Isabell advised that he owns lots No. 295 and 296 of the Hyde Park subdivision. He has owned these houses and resided thereon with his

WICKIFILMES

m. Frank

wife and family for approximately 25 years. As shown on the site plan, the double lot parcel is 100 ft. wide and approximately 200 ft. deep. It is improved with an existing single family dwelling which fronts Waterford Road. A small shed exists to the rear of the property, which will be removed if the proposed garage is approved.

Although the site plan shows that the subject property is a corner lot, photographs submitted show that the property does not actually border two streets. The property does front Waterford Road towards the front, however, that strip shown on the site plan as Pelham Road to the side of the property is a paper street. Photos of the street shows that Pelham Road is in lawn and vegetation. Moreover, an examination of the plat for the subdivision is convincing that Pelham Road will never be developed. This proposed paper street would traverse over and through wetlands. Moreover, the Petitioner's testimony is that no houses are located adjacent to Pelham Road because of the marsh-like soil conditions and unstable wetland areas in this locale.

As to the Petitioner's plans, he proposes to construct a 28 ft. x 34 ft. garage in the rear of the site. The garage will contain a barn roof and be 20 ft. high. It will contain bays for two automobiles. In this respect, the Petitioner indicates that he is retired, however, restores antique automobiles as a hobby. He also does some carving and minor woodworking and will keep tools associated with that advocation within the garage. These tools will be kept in the loft area of the building. No apartment or dwelling use is proposed and no business will be conducted from the site.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section

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DECT TOTAL POR FILING

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307 of the Baltimore County Zoning Regulations (BCZR) and the case law and, therefore, should be granted. The exhibits submitted show that the construction of the garage will not adversely impact the surrounding locale in any manner. The property is buffered by the wetlands offsite and the unimproved strip which is the paper road. Placing the garage on the other side of the lot would be impractical and cause more ground disturbance. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Several comments are in order regarding the Zoning Plans Advisory Committee (ZAC) which were submitted. The members of ZAC offer non binding recommendations to this Zoning Commissioner in considering zoning variances. The Developers Engineering Section suggests that the entrance must be paved from Waterford Road to the garage. The Petitioner indicated a willingness to do this, however, paving as required may not be appropriate in view of environmental constraints. Certainly, the paving of the road would generate more storm water runoff. Presently, that portion of Pelham Road adjacent to the subject property is somewhat improved with gravel. However, photographs show grass and vegetation where the paper street exists.

Comments were also received from the Department of Environmental Protection and Resource Management (DEPRM). Those comments indicate that the garage must be built at least 100 ft. from tidal wetlands. The Petitioner indicated a willingness to cooperate with DEPRM and satisfy whatever requirements were mandated by that agency for construction. Thus, compliance with their recommendations shall be a condition precedent to the granting of the variance.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this Zoday of July, 1995 that a variance from Sections 400.1 and 400.2 of the Baltimore County Zoning Regulations (BCZR) to allow an accessory structure (detached garage) with a height of 20 ft., in lieu of the maximum permitted 15 ft., and to permit the garage to be located in the 1/2 rear yard closest to the side street, in lieu of the 1/2 rear yard farthest removed, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC), namely DEPRM, are adopted in their entirety and made a part of this Order.
- 3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES/mmn

#### Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

July 20, 1995

Mr. Ralph V. Isabell, Sr. 1398 Waterford Road Baltimore, Maryland 21221

RE: Case No. 95-406-A
Petition for Zoning Variance
Property: 1398 Waterford Road

Dear Mr. Isabell:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

LES:mmn att.



### Petition for Administrative Variance

### 95-406-A to the Zoning Commissioner of Baltimore County

for the property located at

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1, 400.2

To allow an accessory structure (detached garage) with a height of 20 feet and located in the 1 rear yard close to the side street in lieu of the maximum 15 feet and & rear yard farthest removed from the side street.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

## NEED SPACE FOR VEHICLE and HOBBY STORAGE

Property is to be posted and advertised as prescribed by Zoning Regulations.

1. or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Address	Phone State	No Zipcode	Name Address	Phone No.
Signature			Name, Address and phone number of representative	
			Baltimore M	$\frac{1}{2}$ $\frac{1}{2}$ $\frac{1}{2}$ $\frac{1}{2}$ $\frac{1}{2}$
Attorney for Petitioner (Type or Print Name)			1398 Water Ford Ro	1 391.9346 Phone No.
City	State	Zipcode	Signature	
Address			(Type or Print Name)	
Signature			Signature Jak 1 32-00	rese or ic
(Type or Print Name)		<u></u>	Rah V TSABE	M Se.
Contract Purchaser/Lessee			Legal Owner(s):	( ()
•			legal owner(s) of the property which is the subject of t	his Petition

A Public Hearing having been requested and/or found to be required, it is ordered by the Loning Commissioner of Baltimore County, this that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County





Printed with Soybean Ink on Recycled Paper



ITEM #1 405

# Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently i	reside at	WATERI	EIRD I	RD
		TO MI		2 ( 2 2 /
	City		State	Zip Code
That based upon personal knowledge, Variance at the above address: (indicate h	ardship or practical difficulty)			
NEED SPI STORAGE	ACE FOR	VEHIC	LE AN	ID HOBB
STORAGE				
That Affiant(s) acknowledge(s) that if may be required to provide additional in the signature of the signatu	nformation.	et(s) will be required to		g and advertising fee and
type or phyl name) I sake//	SR WARY	(type or pr	rint name)	
STATÉ OF MARYLAND, COUNTY O			_	
I HEREBY CERTIFY, this 26 of Maryland, in and for the County afor Calph V	_day of <u>lepte</u> resaid, personally appea Weley	l 19 <u>75</u> red vahell	_, before me, a	Notary Public of the State
the Affiants(s) herein, personally know that the matters and facts hereinabove:	n or satisfactorily identi set forth are true and co	fied to me as such Affi prrect to the best of his	antt(s), and ma /her/their know	de oath in due form of lav ledge and belief.
AS WITNESS my hand and Notarial S	Seal.			• 1
4-36-95 date		NOTARY PLACE	uly.	D. Fuller
Auto	М	ly Commission Expires	s:	10.3.95

95-406-A

ZONING DESCRIPTION for 1398 Water ford Rd.

Beginning at a point on the SW side of Water ford Rd, 610 ft NW of Cranford Rd. Being lot NOS 295 & 296 in the subdivision of Hyde PARK as recorded in Plat Book 9 folio 59. Containing 20,000 se ft. and located in the 15th Election District.

# ZONING DEPARTMENT OF BALTIMORE COUNTY

#### Towen, Maryland

Posted for: Various	Date of Posting 5/20/85
Posted for: Variance	
Petitioner: Relph V. Frabell S.	?1
Petitioner: Selph U. Fig. 6-11, S. Location of property: 1398 Water Ford	Ad sw/s
<u> </u>	
Location of Signa: Tocing 200 d liby , 0 m f	to porty being toxue
Remarks:	
Posted by Signature	Date of return: 5/26/95
Number of Signs:	



Date 5-11-95

Bell'more Chrosic Zoning Administration & Development Management 111 West Chesapoake Avenue Ton son, Maryland 21204

Account: R-001 6150

I tom Number! 405 Taken in by.

Owner - RAIPh V. Isoboll SA.

Site: 1398 Water ford Rd

# 010 - Residential Variance (DMN) Piling the some 50. ou # 080 -- Sign & posting

Total - 85 00

William Comment

在结合多类的特别代告增让。

4.35 dkt

Please Make Checks Payable To: Baltimore County

95-406-A

### CENTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

### Townson, Maryland

District 15th Posted for: Vaviance	Date of Posting 6/17/95
Posted for: Vaviance	
Petitioner: Relph 1- Isobell Sm	, 
Petitioner: Relph - Isobell, Sor Location of property: 1398 Water Ford	Rd, sw/s
Location of Signs: Focing 100 dway, on	proposty being 2000s
Remarks:	
Posted by Mosture	Date of return: 6/23/95
Number of Signs:	
WICHOFILMEL	

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, 111 W. Chesabeake Avenue in Towson, Manyland 21204 or Room 18 Old Counthouse, 400 Weshirigton Avenue, Towson, Maryland 21204 as follows:

Case: #95-406-A
(Item 405)
1398 Waterford Road
SW/S Waterford Road
15th Election District
5th Councilmanic
Legal Owner(s);
Raiph V. Isabell, Sr.
Hearing; Monday,
July 17, 1995 at 2:00
p.m. in Rm. 118, Olc
Courthouse.

Variance to allow an accessory structure (detached garage) with a height of 20 feet and located in the 1/2 rear yard close to the side street in lieu of the maximum 15 feet and 1/2 rear yard farthest removed from the side street.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

NOTES: (1)Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2)For Information concerning the File and/or Hearing, Please Call 887-3391.

6/273 June 22.

### CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/12, 1995
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on 1995.
weeks, the first publication appearing on

THE JEFFERSONIAN.

a. Henrilson

TO: PUTUXENT PUBLISHING COMPANY
June 22, 1995 Issue - Jeffersonian

Please foward billing to:

Ralph Isabell, Sr. 1398 Waterford Road Baltimore, MD 21221 391-9346

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-406-A (Item 405)
1398 Waterford Road
SW/S Waterford Road, 610' NW of Cranford Road
15th Election District - 5th Councilmanic
Legal Owner(s): Ralph V. Isabell, Sr.
HEARING: MONDAY, JULY 17, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Variance to allow an accessory structure (detached garage) with a height of 20 feet and located in the 1/2 rear yard close to the side street in lieu of the maximum 15 feet and 1/2 rear yard farthest removed from the side street

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

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Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

June 15, 1995

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-406-A (Item 405)

1398 Waterford Road

SW/S Waterford Road, 610' NW of Cranford Road 15th Election District - 5th Councilmanic Legal Owner(s): Ralph Y. Isabell, Sr.

HEARING: MONDAY, JULY 17, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

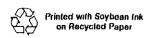
Variance to allow an accessory structure (detached garage) with a height of 20 feet and located in the 1/2 rear yard close to the side street in lieu of the maximum 15 feet and 1/2 rear yard farthest removed from the side street

Arnold Jablon Director

cc: Ralph V. Isabell, Sr.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
- (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

May 18, 1995

#### NOTICE OF CASE NUMBER ASSIGNMENT

Re:

CASE NUMBER: 95-406-A (Item 405)

1398 Waterford Road

SW/S Waterford Road, 610' NW of Cranford Road 15th Election District - 5th Councilmanic Legal Owner(s): Ralph V. Isabell, Sr.

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

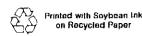
- 1) Your property will be posted on or before May 21, 1995. The closing date (June 5, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon Director

cc: Ralph V. Isabell, Sr.

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Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

June 5, 1995

Mr. Ralph V. Isabell, Sr. 1398 Waterford Road Baltimore, Maryland 21221

RE: Item No.: 405

Case No.: 95-406-A

Petitioner: R. V. Isabell, Sr.

Dear Mr. Isabell:

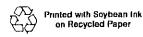
The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on May 11, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

W. Carl Richards, Jr. Zoning Supervisor

WCR/jw Attachment(s)



#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Zoning Administration & Development Management

FROM: Pat Keller, Director

Office of Planning and Zoning

DATE: May 23, 1995

SUBJECT: 1398 Waterford Road

**INFORMATION:** 

Item Number:

405

Petitioner:

Ralph V. Isabell, Sr.

Property Size:

Zoning:

DR-5.5

Requested Action:

Variance

Hearing Date:

#### SUMMARY OF RECOMMENDATIONS:

The applicant requests a variance to allow an accessory structure with a height of 20 feet and located in the half of the yard closest to the side street in lieu of the maximum 15 feet and half of the yard farthest removed from the side street.

While staff does not oppose the applicant's request, it is clear that the petitioner will need to satisfy the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject Variance.

Prepared by:

Division Chief:

PK/JL

### BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 30, 1995 Zoning Administration and Development Management

FROM Robert W. Bowling, P.E., Chief Propers Engineering Section

RE: Zo:

Zoning Advisory Committee Meeting for May 30, 1995 Item No. 405

The Developers Engineering Section has reviewed the subject zoning item. If the variance is granted for the detached garage, the entrance must be from the paved Waterford Road right-of-way.

RWB:sw

#### BALTIMORE COUNTY, MARYLAND

# DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

T0:

Mr. Arnold Jablon, Director

May 30, 1995

Zoning Administration and Development Management

FROM:

J. Lawrence Pilson

Development Coordinator, DEPRM

SUBJECT:

Zoning Item #405 - Isabell

1398 Waterford Road

Zoning Advisory Committee Meeting of May 22, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

#### Environmental Impact Review

The proposed garage must be built at least 100 feet from the tidal wetlands. The petitioner should contact Glenn Shaffer of Environmental Impact Review at 887-3980 for additional information.

JLP:sp

c: Ralph V. Isabell

ISABELL/DEPRM/TXTSBP

And the second

#### Baltimore County Government Fire Department



700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

DATE: 05/23/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF MAY 22, 1995.

Item No.: SEE BELOW

Zoning Agenda:

#### Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 401, 402, 404, 405, 406, 407, 409, 410 AND 411.7

ECELVEII SO 1995

**ZADM** 

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

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### Maryland Department of Transportation State Highway Administration

5-16-95

Ms. Joyce Watson Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Re:

Baltimore County
Item No.: 405 (JJ5)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief

Engineering Access Permits

Division

BS/

MICROPHINE

#405 Peoperty Address - 1398 WATERford Rd. Subdivisor Name - Hyde Park PLATER 9 Folio# 59 Lot# 296 Section# 95-406-OWNER - RAIPH V ISAbell At-5 Plat to Accompany Zoning Variance Request WA ter ford RD Chanford Rd Lot Lot ANOL Lot 293 50 Existing DWOLL Existies DWEL Wet 101 John MARION LAND OEL HAM SAWYER proposed ROAD 50 501 501 15 Election District, 5 Councilmanic Distrat - (Paper Rd) 200 scale Map # - SE II Zoning - DRS 5 Critical Area Myes Anea: 20,000 SQ. A , 459 Act Public Water Hyde Post el & sewen - water ford pl -ing on this site 1 felnow pl

Reviewed by 22 # 405

Scale of DRAWING 1"= 50".



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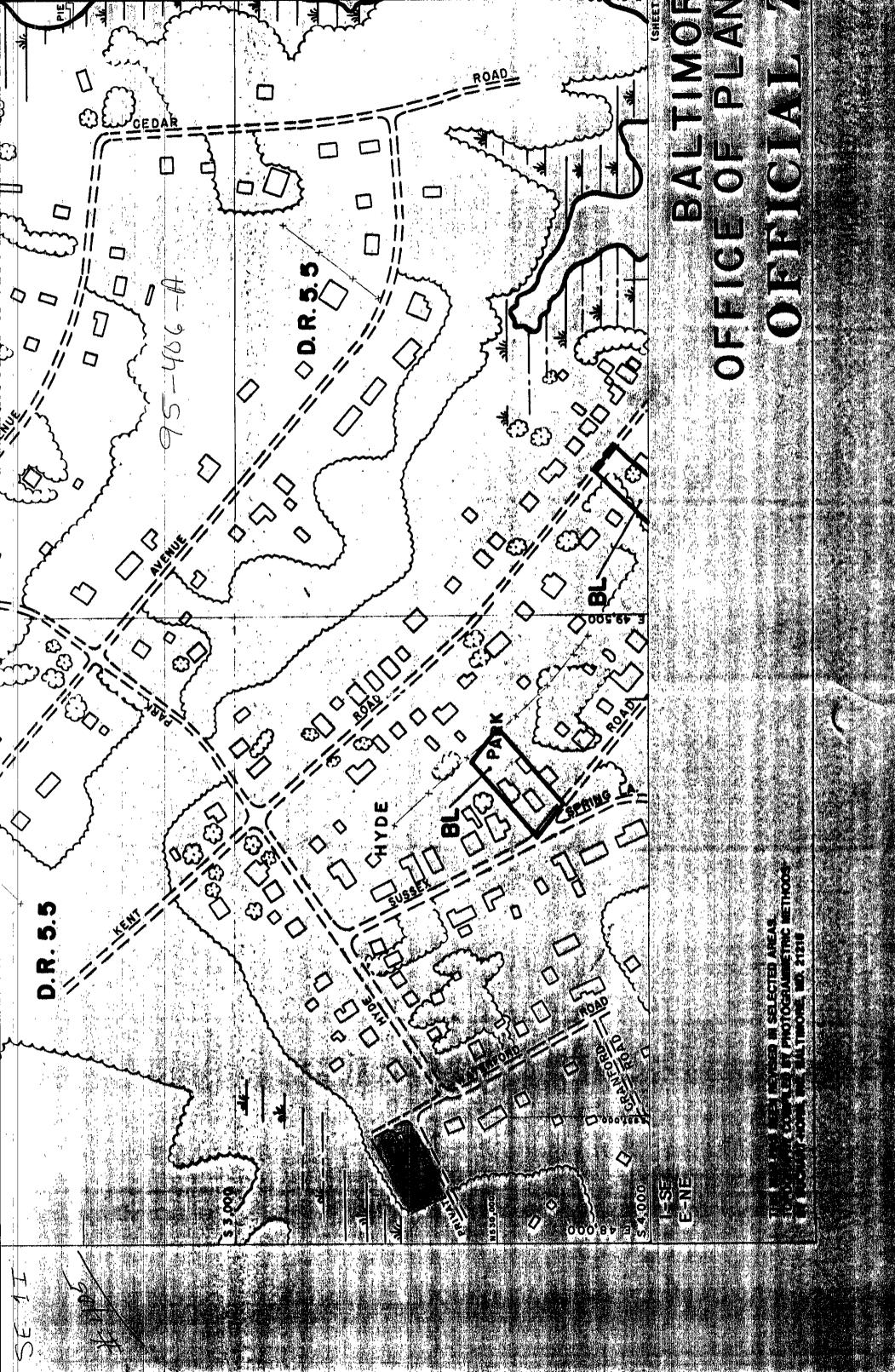
7.00

## 95-406-A



# 405





OFFICE OF PLANNING AND ZONING

PHONOGRAMSHIELDAN

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RED BY AIR PI ISBURG, W.V.

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \*

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 1398 Waterford Road in the Hyde Park subdivision of eastern Baltimore County. The Petition is filed by Ralph V. Isabell, Sr., property owner. Variance relief is requested from Sections 400.1 and 400.2 of the Baltimore County Zoning Regulations (BCZR) to allow an accessory structure (detached garage) with a height of 20 ft., in lieu of the maximum permitted 15 ft., and to permit the garage to be located in the 1/2 rear yard closest to the side street, in lieu of the 1/2 rear yard farthest removed. The subject property and relief requested are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Zoning Variance.

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Mr. Isabell advised that he owns lots No. 295 and 296 of the Hyde Park subdivision. He has owned these houses and resided thereon with his wife and family for approximately 25 years. As shown on the site plan, the double lot parcel is 100 ft. wide and approximately 200 ft. deep. It is improved with an existing single family dwelling which fronts Waterford Road. A small shed exists to the rear of the property, which will be removed if the proposed garage is approved.

Although the site plan shows that the subject property is a corner lot, photographs submitted show that the property does not actually border two streets. The property does front Waterford Road towards the front, however, that strip shown on the site plan as Pelham Road to the side of the property is a paper street. Photos of the street shows that Pelham Road is in lawn and vegetation. Moreover, an examination of the plat for the subdivision is convincing that Pelham Road will never be developed. This proposed paper street would traverse over and through wetlands. Moreover, the Petitioner's testimony is that no houses are located adjacent to Pelham Road because of the marsh-like soil conditions and unstable wetland areas in this locale.

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(a)

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (BCZR) and the case law and, therefore, should be granted. The exhibits submitted show that the construction of the garage will not adversely impact the surrounding locale in any manner. The property is buffered by the wetlands offsite and the unimproved strip which is the paper road. Placing the garage on the other side of the lot would be impractical and cause more ground disturbance. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Several comments are in order regarding the Zoning Plans Advisory Committee (ZAC) which were submitted. The members of ZAC offer non binding recommendations to this Zoning Commissioner in considering zoning variances. The Developers Engineering Section suggests that the entrance must be paved from Waterford Road to the garage. The Petitioner indicated a willingness to do this, however, paving as required may not be appropriate in view of  $\epsilon$ nvironmental constraints. Certainly, the paving of the road would generate more storm water runoff. Presently, that portion of Pelham Road adjacent to the subject property is somewhat improved with gravel. However, photographs show grass and vegetation where the paper street exists.

Comments were also received from the Department of Environmental Protection and Resource Management (DEPRM). Those comments indicate that the garage must be built at least 100 ft. from tidal wetlands. The Petitioner indicated a willingness to cooperate with DEPRM and satisfy whatever requirements were mandated by that agency for construction. Thus, compliance with their recommendations shall be a condition precedent to the granting of the variance.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25 day of July, 1995 that a variance from Sections 400.1 and 400.2 of the Baltimore County Zoning Regulations (BCZR) to allow an accessory structure (detached garage) with a height of 20 ft., in lieu of the maximum permitted 15 ft., and to permit the garage to be located in the 1/2 rear yard closest to the side street, in lieu of the 1/2 rear yard farthest removed, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted

> 1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC), namely DEPRM, are adopted in their entirety and made a part of this Order.

3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LES/mmn

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

**Baltimore County Government** Zoning Commissioner Office of Planning and Zoning

Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

July 20, 1995

Mr. Ralph V. Isabell, Sr. 1398 Waterford Road Baltimore, Maryland 21221

> RE: Case No. 95-406-A Petition for Zoning Variance Property: 1398 Waterford Road

Dear Mr. Isabell:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Lawrence E. Schmidt Zoning Commissioner

		ministrative Variance	
***	to the Zoning Comm	issioner of Baltimore County	
YLATT	for the property located at	1398 Waterford Rd	
		which is presently zoned 2/641	
The undersig	shall be filed with the Office of Zoning Administration ned, legal owner(s) of the property situate in Baltim de a part hereof, hereby petition for a Variance from	ation & Development Management.  Nore County and which is described in the description and plat attached	
cated in	an accessory structure (detache n the ½ rear yard close to the r yard farthest removed from th	ed garage) with a height of 20 feet and side street in lieu of the maximum 15 feet he side street.	
the Zoning I		of Baltimore County; for the following reasons: (indicate hardship or	
	NEED SPACE FOR	VEHICLE and HOBBY STORAGE	•
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Affidav	it in su	ipport o	f tive Varianc
The undersigned hereby affirms under th			
That the information herein given is with		-	-
testify thereto in the event that a public he	•	•	2 n
That the Affiant(s) does do presently res			
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1665 CP4	- C - 1/	Suite	Happy
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ZONING DESCRIPTION for 1398 Water ford Rd.

Beginning at a posht on the SW side of Water ford Rd. Glo At NW of Cranford Rd. Being lot NOS 295 & 296 in the Subdivision of Hyde PARK as recorded in Plat Book 9 folio 59. Containing 20,000 se ft. and located in the 15th Election District.

CERTIFICATE OF POSTING 95-406-17 ZONING DEPARTMENT OF BALTIMORE COUNTY

District 15th		Date of F	Posting 5/20 /95	
District / 577h  Posted for:	Voriones			
Petitioner:	1306 Water,	elly Sn		
Location of property:	1346 WW.	rove Registre		
Location of Signa:	Facing 200 & Uby +	on fre forty be	ng roud	
Posted by	Signature	Date of return:	3/26/95	
Number of Signs:				

Development Management	CRITICAL POGE POR POR POST - 406-A
Date 5-11-95	Item Number! 405 Taken in by.
Owner - RAIPH V. Isobell SA. ite: 1398 Waterford Rd.	ance(ADMN.) filing tee 50.00
to 10 - Residential Variable of Desting	Total - \$85.00

alsha sa again e i CaRo Please Make Checks Payable To: Baltimore County

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

MOTICE OF CASE NUMBER ASSIGNMENT

Baltimore County Government

Office of Zoning Administration

and Development Management

CASE NUMBER: 95-406-A (Item 405) 1398 Waterford Road SW/S Waterford Road, 610' NW of Cranford Road 15th Election District - 5th Councilmanic Legal Owner(s): Ralph V. Isabell, Sr.

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before May 21, 1995. The closing date (June 5, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are rayable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.90 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE FOSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Call Jake

Printed with Soybean Ink on Recycled Paper

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towsen, Maryland

Location of Signe Fici Ty 100 dway on proposty being toned

NOTICE OF HEARING

Case: #95-406-A
(Item 405)
1398 Waterford Road
SW/S Waterford R
610' NW of Cranford R
15th Election District
5th Councilmanic
Legal Owner(s):
Ralph V. Isabell, Sr.
Hearing: Monday Variance to allow an ac cessory structure (detached garage) with a height of 20 feet and located in the 1/2 rear yard close to the side street in lieu of he maximum 15 feet and 1

LAWRENCE E. SCHMIDT

CERTIFICATE OF PUBLICATION

published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_ successive 

THIS IS TO CERTIFY, that the annexed advertisement was

THE JEFFERSONIAN,

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

June 5, 1995

Mr. Ralph V. Isabell, Sr. 1398 Waterford Road Baltimore, Maryland 21221

> RE: Item No.: 405 Case No.: 95-406-A Petitioner: R. V. Isabell, Sr.

Dear Mr. Isabell:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on May 11, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

> W. Carl Richards, Jr. Zoning Supervisor

WCR/jw Attachment(s)

TO: PUTUXENT PUBLISHING COMPANY June 22, 1995 Issue - Jeffersonian

Please foward billing to:

Ralph Isabell, Sr. 1398 Waterford Road Baltimore, MD 21221

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore

County, will hold a public bearing on the property identified berein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Gld Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-406-A (Item 405) 1398 Waterford Road SW/S Waterford Road, 610' NW of Cranford Road 15th Election District - 5th Councilmanic Legal Owner(s): Ralph V. Isabell, Sr.

HEARING: MONDAY, JULY 17, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Variance to allow an accessory structure (detached garage) with a height of 20 feet and located in the 1/2 rear yard close to the side street in lieu of the maximum 15 feet and 1/2 rear yard farthest removed

LAURENCE E. SCHILDT ZONTING CONMISSIONER FOR BALTIMORE COUNTY

TO: Arnold Jablon, Director Zoning Administration &

FROM: Pat Keller, Director

SUBJECT: 1398 Waterford Road

SUMMARY OF RECOMMENDATIONS:

Division Chief: WWW

DATE: May 23, 1995

INFORMATION:

Item Number:

Petitioner:

Zoning:

Property Size:

Development Management

Office of Planning and Zoning

from the side street

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

BALTIMORE COUNTY, MARYLAND

The applicant requests a variance to allow an accessory structure with a height

While staff does not oppose the applicant's request, it is clear that the peti-

culty and/or unreasonable hardship to justify the granting of the subject Vari-

tioner will need to satisfy the burden imposed upon them to prove practical diffi-

of 20 feet and located in the half of the yard closest to the side street in lieu

of the maximum 15 feet and half of the yard farthest removed from the side street.

INTER-OFFICE CORRESPONDENCE

**Baltimore County Government** Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-406-1 (Item 405) 1398 Waterford Road SW/S Waterford Road, 610' NW of Cranford Road 15th Election District - 5th Councilmanic Legal Owner(s): Ralph V. Isabell, Sr. HEARING: MONDAY, JULY 17, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Variance to allow an accessory structure (detached garage) with a height of 20 feet and located in the 1/2 rear yard close to the side street in lieu of the maximum 15 feet and 1/2 rear yard farthest removed from the side street

MOTES: (1) ZONTING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 30, 1995 Zoning Administration and Development Management

FROM Robert W. Bowling, P.E., Chief Robert W. Bowling, P.E., Chief Robert W. Bowling, P.E., Chief RE: Zoning Advisory Committee Meeting for May 30, 1995 Item No. 405

The Developers Engineering Section has reviewed the subject zoning item. If the variance is granted for the detached garage, the entrance must be from the paved Waterford Road right-of-way.

ITEM405/PZONE/ZAC1

PK/JL

Printed with Soybean Inition on Recycled Paper

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

May 30, 1995

Mr. Arnold Jablon, Director Zoning Administration and Development Management

J. Lawrence Pilson Development Coordinator, DEPRM

SUBJECT: Zoning Item #405 - Isabell 1398 Waterford Road Zoning Advisory Committee Meeting of May 22, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

The proposed garage must be built at least 100 feet from the tidal wetlands. The petitioner should contact Glenn Shaffer of Environmental Impact Review at 887-3980 for additional information.

JLP:sp

c: Ralph V. Isabell ISABELL/DEPRM/TXTSBP

95-406-A



**Baltimore County Government** Fire Department

700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

DATE: 05/23/95

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: SEE BELOW LOCATION: DISTRIBUTION MEETING OF MAY 22, 1995.

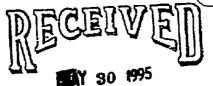
Item No.: SEE BELOW

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

Zoning Agenda:

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 401, 402, 404, 405, 406, 407, 409, 410 AND 411.2

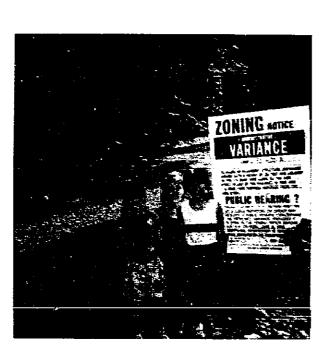


**ZADM** 

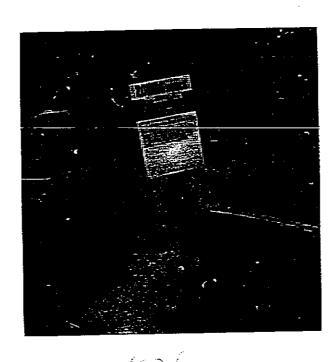
REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

\$ 95-406-A



75-406-A



5-16-95 Ms. Joyce Watson Re: Baltimore County Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204 Dear Ms. Watson: This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project. Please contact Bob Small at 410-333-1350 if you have any questions. Thank you for the opportunity to review this item. Very truly yours, Ronald Burns, Chief Engineering Access Permits

